

UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF NEW YORK

JERRY GRADL MOTORS, INC. and)	
LIFETIME MOTOR CARS, INC.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:21-cv-00409
)	
ACV AUCTIONS, INC., BRIAN M.)	
MALCHAK, SUN CHEVROLET, INC.,)	
WHOLESALE CARS ONLINE.COM, LLC,)	
JOSEPH NEIMAN, GEORGE CHAMOUN,)	
DANIEL MAGNUSZEWSKI, and)	
TODD J. CAPUTO,)	
)	
Defendants.)	

**ENTRY ORDER CLARIFYING THE COURT’S JULY 13, 2021 SEALING
ORDER**
(Doc. 46)


The court, having considered Plaintiffs’ motion for clarification of its July 13, 2021 Entry Order and the declarations of Edward P. Yankelunas, Esq., and Myriah V. Jaworski, Esq., provides the following clarification:

1. On July 13, 2021, the court issued an entry order granting in part and denying in part Defendant ACV Auctions Inc.’s Motion to Seal (the “Sealing Order”) (Doc. 43.)
2. In its Sealing Order, the court found that “Defendant ACV’s internal Auction Manager Screen, which is part of its Internal Tools application, is revealed in Exhibits A-C in a manner that arguably discloses proprietary components of its internal database” and that “[t]he features of this database are extraneous to Plaintiffs’ claims regarding the alleged ‘illegal shill bidding practices [of] Malch[a]ck and Sun [Auto Warehouse]’ (Doc. 29-3 at 5, ¶ 18), and are adequately described, albeit more generally, elsewhere.” (Doc. 43 at 2.)

3. The court held that “Defendant ACV may therefore produce a redacted copy of the challenged exhibits, eliminating the top half of the documents above the listed transactions and Plaintiffs are directed to substitute the redacted documents for their unredacted counterparts attached as Exhibits A-C to both the Kaplan Affidavit and the Second Amended Class Action Complaint.” *Id.* at 3.
4. Defendant ACV shall provide a redacted copy of the Exhibits A-C which eliminates all information above the headings of the listed transactions but does not eliminate the headings themselves because such headings are necessary to make sense of the information within each column.
5. Defendant ACV shall not redact any of the information within the listed transactions section, including the columns to the right of the “Auto Sell” column.
6. Defendant ACV shall produce redacted copies of Exhibits A-C within seven (7) business days of this Entry Order and Plaintiffs shall substitute those redacted documents for Exhibits A-C currently filed with the court, including the pages in Exhibit 2 to the Yankelunas Affidavit (Doc. 46-3), within three (3) business days thereafter.

SO ORDERED.

Dated this 9th day of August, 2021.


Christina Reiss, District Judge
United States District Court